IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.6981 of 1998

Between:

M.Yellavva W/o.Late M.P.Goud, Hindu, aged about 52 years, House wife,

R/o.H.No.1-12-19/5, Sailanibaba Colony, Kamareddy, Nizamabad District.

..... PETITIONER

AND

1. A.P.S.R.T.C., Musheerabad, Hyderabad, rep. by its Vice Chairman and Managing Director.
2. The Depot Manager, A.P.S.R.T.C., Kamareddy Depot, Kamareddy, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased, in the interests of justice, to issue a writ in the nature of writ of Mandamus or any other appropriate writ or direction or order, declaring the impugned letter No.P1/371(2)/91-KMR, dated 03-05-1997 issued by the 2nd respondent as being illegal, improper, arbitrary and contrary to the Rules and Regulations of the Respondent Corporation and consequently direct the respondents to pay the monetary benefits of the petitioner's late husband in accordance with the Rules and Regulations of the Respondent Corporation.

Counsel for the Petitioner : MR.M.SUBBA REDDY

Counsel for the Respondents : Mr.V.T.M.PRASAD

The Court made the following :

ORDER :

This Writ Petition is filed, seeking a Mandamus to declare the letter No.P1/371(2)/91-KMR, dated 03.05.1997 issued by the 2nd respondent as arbitrary and illegal and consequently to direct the respondents to pay the monetary benefits to the petitioner in lieu of employment on compassionate grounds.

According to the petitioner, her husband Late M.P.Goud had worked as a Driver in the respondent-Corporation under the control of the 2nd respondent and died in harness on 31.12.1990. Therefore, she sought appointment to one of her sons who passed S.S.C., on compassionate grounds. The respondents, instead of providing appointment on compassionate grounds to her son, selected her son for the Basic Training Course for three years in the Mechanical discipline at the Corporation-owned Basic Training Centre, Hakimpet. Her son M.Krishna Goud joined the training on 29.06.1995 as per the terms of selection. As the ill-luck would have, the said M.Krishna Goud died on 14.01.1997 before completion of the training.

Therefore, the petitioner filed an application before the authorities stating that the selection and admission of her son into the Basic Training Centre cannot be considered as compassionate appointment and therefore she is entitled for monetary benefits consequent upon the death of her husband M.P.Goud. The application filed by her was rejected through a letter dated 03.05.1997, which reads as under:

> *"The monetary benefits which was applied by you has been sent to Accounts Officer, Nizamabad for pre-audit and the same was rejected by the AO/Nizamabad Office stating that the monetary benefit is not eligible since your son has already been selected for undergoing training in APSRTC Basic Training School, Hakimpet, Hyderabad while undergoing training, expired. Hence, not eligible for monetary benefit."*

According to the petitioner, the same is arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the respondents, denying the allegations made by the petitioner. Of course, the fact of death of the petitioner's husband M.P.Goud in harness on 31.12.1990 and also the death of her son M.Krishna Goud on 14.01.1997, is not denied. At paragraph 8 of the counter, it is stated as under;

> *"3. As far as the third doubt is concerned, if the (wife of deceased) mother is employed, the extra monetary benefit amount cannot be paid. Extra monetary benefit amount need not be sanctioned to the family members when one son is admitted in ITI (of APSRTC) till he completes the course. If for any reason, the son who has successfully completed this course is not absorbed in APSRTC, the extra monetary benefit can be granted at that time."*

It is also stated that since the petitioner's son had died while undergoing the training, it must be deemed that he was appointed on compassionate grounds. So far as the question of granting monetary benefit is concerned, the same does not arise and the writ petition is devoid of merits and is liable to be rejected.

I have given my anxious consideration to the respective submissions

made by both the learned counsel and also gone through the other material made available on record.

Clause 3 of the purported Circular, which is extracted above, would throw some guidance and light for deciding this case. The son of the petitioner late M.Krishna Goud was not appointed on compassionate grounds, but he was only selected for Basic Training Course in the institute run by A.P.S.R.T.C. and even before completion of the said training, which cannot be equated with that of a compassionate appointment, unfortunately, the said Krishna Goud passed away on 14.01.1997. According to the above Circular, in a case where a person has successfully completed the training and not absorbed in A.P.S.R.T.C., the extra monetary benefit can be granted. This is further bad case, where even the son of the petitioner could not complete the training and died while undergoing the training itself. Therefore, once the training which was being imparted by A.P.S.R.T.C. cannot be equated with that of a compassionate appointment and the son of the petitioner has not completed the training, I am of the opinion that the petitioner is entitled for extra monetary benefits in lieu of employment.

Therefore, the respondents are directed to pay the monetary benefits to the petitioner in lieu of employment on compassionate grounds on the death of her husband Sri M.P.Goud, within a period of two months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Dt: 07-06-2005.

ajr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice-Chairman and Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

2. The Depot Manager, A.P.S.R.T.C., Kamareddy Depot, Kamareddy,

Nizamabad District.

3. 2 CD copies